

## IN TRIPLE EXPANSION

### Three Courts Are Cutting Into Calendar.

Following his charge to the grand jury yesterday morning, Judge Gear took up the criminal appeals from last term. Judges De Bolt and Robinson both had juries empaneled in civil suits and with all three judges busy some reduction of the long-congested calendar was affected.

#### DISPOSAL OF APPEALS.

The appeal of Wong Hing for assault and battery was dismissed by Judge Gear, upon payment of fine of \$10 and costs imposed in the Honolulu District Court.

Twoone, fined \$15 and costs below for violating section 91, Penal Laws, had her appeal dismissed on payment of that penalty.

Namalelua, for assault and battery on Mrs. Namalelua, had the sentence of the lower court confirmed, being a fine of \$100 and costs.

F. Santos, who appealed from the District Court on sentence for embezzlement, had his fine reduced from \$100 to \$50 with the option of 100 days in jail.

#### CRIMINAL TRIAL.

Before Judge Gear the following jury was sworn to try Yen Nin and Choy Yuen for receiving stolen goods: Sol. Keolowea, Theo. Wolff, A. A. Montano, F. J. Robello, E. K. Rathburn, Carl Willing, G. A. Ordway, D. Kawanana-koo, James Ahlo, Geo. Woolsey, J. P. Makaina and J. F. C. Abel. E. C. Peters, deputy attorney general, prosecuting; Robertson & Wilder, defending. The trial began at 2 p. m.

#### UNDEFENDED CASES.

The A. Harrison Mill Co. vs. Waiatua Hotel Co. went against defendant virtually by default yesterday morning before Judge De Bolt. W. L. Stanley appeared for plaintiff. George A. Davis was entered for defendant but he stated to the court that he had neither seen a director of defendant nor received his fee and therefore would make no defense.

The following jury was found satisfactory and sworn: James A. Auld, Chas. B. Dwight, M. W. Parkhurst, P. M. Lucas, John Kuanaa, Edward C. Holstein, Geo. C. Potter, Benito Guerrero, Isaac Adams, F. B. Angus, L. H. Dee and E. E. Mossman.

Plaintiff put on evidence and rested, there was no defense and the case being submitted without argument, the jury remaining in their seats found a verdict for plaintiff for \$883.81 with 6 per cent interest from April 30, 1901, total, \$780.56.

#### QUICK DISPATCH.

At the afternoon session the ejectment case of Kialauka vs. Waiatua Co. was called for trial. Enoch Johnson who appeared for plaintiff, did not have his witnesses on hand, therefore, to avoid dismissal of the case, he filed a discontinuance. Holmes & Stanley appeared for defendant. No other case having been set for the day, Judge De Bolt adjourned court until 9 o'clock this morning.

#### AN EARLY CALL.

At 9 o'clock this morning Judge De Bolt will call the following cases for the purpose of having them set down as ready for trial, or for other proper disposition, namely: Macfarlane & Co. vs. Waikiki Beach Co., Carlos A. Long vs. E. C. Macfarlane et al., George Lyeurgus vs. Charles Phillips, I. Fukushima vs. Morihoro, John F. Colburn vs. C. S. Dorsey, W. F. Lowrie vs. Kalau Kaikamahale, Kapiolani Estate vs. Manuel Gomez, M. W. McChesney & Sons vs. Wing Wo Lung Co., Gow Chong et al. vs. Royal Insurance Co., Leong Yick Co. vs. New Zealand Insurance Co., Choy Look Lee vs. Scottish Union and National Insurance Co., W. W. Ahana vs. Insurance Company of North America, Poi Kau vs. Svea Insurance Co., Sing Chan Company vs. Insurance Company of North America and Sing Chan Co. vs. Svea Insurance Co.

#### EJECTMENT SUIT.

Before Judge Robinson the following jury was obtained yesterday morning to try the ejectment case of Kapiolani Estate, Ltd., vs. L. A. Thurston, for Honolulu and Naunau lands: Richard N. Moseman, Charles Warren, Will E. Fisher, William Ringer, W. W. Goodale, Louis H. Miranda, Edward Hanapi, C. S. Holloway, Alexander Kahoali, Joseph K. Clark, John Kidwell and J. J. Turner. Kinney & McClanahan and Kaulukou appeared for the plaintiff; Castle & Withington and Whitney for defendant. Plaintiff,

claiming under paper title, rested before noon recess. Its witnesses will all come on in rebuttal after defendant has rested.

#### THAT WORTHLESS CHECK.

Wm. S. Fleming, attorney for plaintiff in the suit of Harvey Carpenter vs. J. Alfred Magoon and Thomas Fitch, has filed a motion to amend the complaint, also a joinder in demurrer. This is the action on Magoon's check to Fitch for \$1250 as payment of an attorney's fee, which the plaintiff alleges proved to have no money behind it after its assignment to him.

#### PRACTICE BY PROXY.

Minnie Ferreira has given a warrant of attorney to Avon H. Crook in her suit against Lorrin Andrews, agreeing "to be bound by any pleading or stipulation which he may file therein." The document is in the handwriting of her former attorney, A. S. Humphreys.

#### NOT ENOUGH TIME.

Annie M. Manase by her attorneys, Robertson & Wilder, moves to quash summons in the divorce libel brought against her by Job K. Manase, on the ground that it gave her only ten days to answer while the law allows twenty days.

#### NOTES.

Louis J. Kennedy was appointed bailiff to the grand jury by Judge Gear. The grand jury holds its sessions in the Supreme Court room.

Judge Robinson appointed Wm. Pfothbauer, S. H. Derby, and M. T. Simonson as appraisers of the estate of the late H. F. Glade.

Judge Robinson denied defendant's motion for a new trial in the damage case of R. M. Fuller vs. Rapid Transit Co.

### LINDSAY WANTS A WHIPPING POST

"I regret there is no whipping post in Hawaii, for this is just the case where the punishment requires the prisoner to be flogged."

Judge Lindsay uttered these words in the police court yesterday morning, introductory to imposing a sentence of ten days at hard labor upon Alex. Craig for brutally whipping the latter's eight-year-old boy on September 7. A nodding of heads in various parts of the room indicated that a consensus of opinion favored the judge's recommendation.

Craig stood before the magistrate admitting that he had lost his temper to such an extent over some domestic triviality that he had used a heavy-soled shoe on his boy, injuring the little fellow's head which prevented his appearance in court yesterday. "Yes, sir, I admit it, but I couldn't help it, for my temper got the best of me," said Alexander.

"You struck him on the head with a shoe?"

"Yes, sir."

The boy's mother, who is herself suffering from bodily injuries, testified as to the manner of Craig's method in punishing his child.

"I am really sorry that the Delaware whipping post is not in use here, Mr. Craig, for if it was I would sentence you to a jolly good flogging. It's just what you need."

### SUGAR TRUST AFTER MICH. BEET PLANTS

DETROIT (Mich.), September 1.—The Free Press tomorrow will say: For some time past the American Sugar Refining Company has been gradually purchasing stock in sugar beet factories throughout Michigan, and today it was announced that this company had obtained a controlling interest in nine big factories, having a combined capitalization of \$6,300,000. It is also stated that as soon as the beet-sugar season is over the management of the factories will be placed under one head.

#### Progress of the Mosquito War.

Another meeting of the general committee in charge of the mosquito campaign was held yesterday afternoon, at which progress was reported. F. C. Smith suggested that the newspapers open subscriptions for the fund.

P. M. Pond reported that he had subscriptions of fifty-five dollars per month with a promise of more, and this without a canvass.

Mr. Van Dine stated that he had received word from H. W. Henshaw of Hilo in regard to the work there, and also as to the results of experiments in Washington upon mosquitoes from here.

A canvass of the city will probably be made. It was agreed that everything possible was being done by the Board of Health, which could be done with the means at hand.

#### NOTHING LIKE EXPERIENCE.

"One truth learned by actual experience does more good than ten experiences one hears about." Tell a man that Chamberlain's Colic, Cholera and Diarrhoea Remedy will cure cholera morbus and he will most likely forget it before the end of the day. Let him have a severe attack of that disease, feel that he is about to die, use this remedy, and learn from his own experience how quickly it gives relief, and he will remember it all his life. For sale by all Dealers and Druggists. Benson, Smith & Co., Ltd., Agents for Hawaii.

## FIFTH DISTRICT PICKS MEN FOR COUNTY OFFICE

### Endorses Brown for Sheriff, Rawlins for Attorney and S. E. Damon for Treasurer.

Fifth District Republicans decided upon their candidates for county office last evening—all but county clerk, assessor and supervisor. For these offices there is to be a contest and another meeting will be held Monday afternoon to decide upon who shall be endorsed.

Nearly every one of the Fifth precinct delegates attended the meeting held last night in Ach's warehouse. Kahuku was the only precinct unrepresented, though some of the precincts were shy one or two delegates.

Judge S. Hookano was elected as temporary chairman and Ben Zablan was made secretary.

The endorsements for most of the offices were unanimous. The ticket put up was as follows:

For Sheriff—A. M. Brown.

For District Attorney—W. T. Rawlins.

For County Treasurer—S. E. Damon.

For County Auditor—Isaac H. Sherwood.

For County Surveyor—R. N. Boyd.

For Tax Assessor there are two can-

didates, J. W. Pratt and George Desha. For County Clerk there are also two candidates—William Savidge and Henry C. Vida. Vida is said to have the lead in the Fifth.

The real fight in the Fifth is for supervisor. For the two supervisors to which the district is entitled the following nominations were made—Frank Pahia, Chas. Dwight, J. A. Low, E. R. Adams, Carl On Tai, Enoch Johnson and E. C. Winston.

For Supervisors at large the following were the nominations—E. C. Winston, John C. Land, J. A. Low and E. R. Adams.

No decision will be made as to the nominations for supervisor at large until after a conference with the Fourth district, and a joint meeting of the two delegations has been arranged. The Fifth wants to nominate one and perhaps two of the supervisors from the body of the county, and is waiting to hear what intentions the Fourth District has in regard to the matter.

The meeting of the Fifth District will be held Monday afternoon at two o'clock in Republican headquarters.

## CHAMBER OF COMMERCE ASKS PROTECTION FOR COFFEE

The Chamber of Commerce at a meeting yesterday agreed upon a memorial to Congress asking protection for Hawaiian coffee, and also decided to take separate action looking towards having Honolulu made a regular port of call for transports. The new by-laws of the Chamber were also adopted.

W. H. Hoogs presented the memorial of the coffee committee. It began with an enumeration of the principal industries of Hawaii, as sugar, rice, fruit and coffee growing. The memorial also advanced the proposition that Congress had always been willing to enact legislation to create conditions favorable to the settling of small tracts of land. Sugar cane, it was set forth, can only be successfully grown by large corporations because of the great outlay of money at the outset for irrigation and machinery. The cultivation of rice, it was stated is entirely in the hands of Asiatics, because only hand labor is possible.

Only the raising of coffee and of citrus fruits, it was argued, is left for American farmers. Land has been divided by the government into small tracts and given to Hawaiians and Americans and put under coffee cultivation. The decline in price and competition had caused these settlers to suffer a severe loss and as a result coffee growing was stopped, and the plantations are now covered with rank vegetation.

It was further set out that 400,000 acres of land in Hawaii are available for coffee growing, of which 50,000 are under cultivation. The annual output now is 1,000 tons, but with protection it is set out that in ten years the production will equal 150,000 tons. An advance of four or five cents per pound will make the cultivation profitable and will cause a demand for land from citizen farmers. It was further set forth, that there is at present necessity for creating a better understanding of citizenship, social and industrial conditions, will be bettered by bringing in more American settlers. Attention is also called to the report of the Mitchell Commission upon coffee, and Congress is asked to assist the industry either by an amendment to the tariff law, placing a duty on coffee, as on sugar and rice, or by giving a bounty.

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#### MORE ABOUT TRANSPORTS.

A letter was read by Secretary Spencer from Wm. Haywood, transmitting a communication from Quartermaster-General Humphreys in regard to the transports. It was similar to the one received by the Merchants' Association some time ago, stating that coal must be provided before Honolulu can be made a port of call.

C. M. Cooke stated that he had taken the matter up and thought he could get a lower bid for coal than the one transmitted by the Merchants' Association, but would first confer with that body. Mr. Cooke and E. D. Tenney were appointed on a committee with full power to act.

#### KUHIO WILL HELP.

A letter was read from Delegate Kuhio acknowledging the receipt of the Chamber memorial, and stating that he would render every assistance in his power to carry out the suggestions of the Chamber of Commerce.

Correspondence was presented from T. H. Davies & Co., denying the charges that the Vancouver line of steamers had discouraged tourists from stopping here, but Mr. Cooke stated that it was not necessary to read it. After the meeting the secretary of the association would not give it out, and Mr. Davies said it was out of his hands.

The new by-laws were next considered and adopted, though they must again be passed upon at a future meeting. The change previously made providing for an honorary membership was stricken out after some discussion. The section providing for a board of trustees and committees made up from the board was passed. Previously there had been objection to having the committees limited to the trustees.

## SOME BAD MILK AND VILE FOODS

Out of 163 samples of milk examined by Food Commissioner E. C. Shorey in the month of August, all but three were up to or above standard. The doret milkmen were F. Martins and A. de Costa, the latter furnishing two samples of inferior milk. De Costa was prosecuted for the second sample and fined \$25 and costs.

Other than milk the following samples were examined with results as noted:

Two samples of condensed milk: both fermented and unfit for food.

One sample proprietary medicine (tasteless castor oil): nothing injurious found.

One sample of sliced ham (canned):

cans swelled and contents unfit for food.

One sample of sardines: decomposed and unfit for food.

Seven samples of sewage were examined for the superintendent of sewers, and report made to him.

The flashing point of two samples of crude petroleum was determined for the Superintendent of Public Works.

A filial child: A certain nobleman, well known to society, while one day strolling round his stables, came across his coachman's little boy on a seat, playing with his toys. After talking to the youngster a short time, he said: "Well, my little man, do you know who I am?" "Oh, yes," replied the youngster: "you're the man who rides in my father's carriage!"—Tit-Bits.

## THE HEALTH GUARDIANS

### Do Much Business Covering Two Weeks.

The Board of Health had an order of business containing 25 items for its meeting yesterday, at which were present: Dr. C. B. Cooper, president; Fred C. Smith, Dr. W. H. Mays, Mark P. Robinson and E. C. Winston, members; Dr. J. S. B. Pratt, chief health officer; C. Charlock, secretary; C. H. Tracy, city sanitary officer; and Miss Mae Weir, stenographer. It was the first meeting in two weeks.

#### SETTLEMENT PETITIONS.

Petitions of Mrs. Mele Hillel, Mrs. Kamaka Eleakala, Miss Kuaole and Mr. A. Kekipi jointly, and David Simona, at the settlement, praying for kokua privileges, etc., were severally denied.

A letter was read from Joseph H. Nuihia, J. K. Kellikull and M. K. Maikana, a committee of the Hoole Pope Association, Kalaupapa, asking consideration of a petition to be sent later against the granting of a beer and wine license. It was laid over to await the arrival of the petition. The president remarked that a former petition for the same thing was denied.

Another petition contained several prayers and was referred to Superintendent McVeigh for report. Among other things the regulation of the sale of fish and the control by the Board of the sale of awa were requested.

The petition of Mrs. Annie Grube Bixby for leave to go to the Settlement for her child was granted.

#### CHANGE OF PHYSICIANS.

Dr. L. S. Thompson, physician for Kau, was granted leave of absence for six months. He said in his letter of request that he had an opportunity of visiting Europe and Asia, and he recommended as his substitute Dr. Addison K. Bell of Madison, Georgia. It was voted to appoint Dr. Bell on his securing of a local license.

The resignation of Dr. W. B. Deas as physician for the Kona districts was received and accepted.

Dr. R. G. Curtis was appointed physician for Olua as of September 1, the president having telegraphed him to take the place of Dr. Hayes, resigned on account of removal to Hilo.

#### FOOD COMMISSIONER.

Edmund C. Shorey, food commissioner, sent in his formal resignation to take effect on the first of October. He stated that he had accepted the position of chemist at the Federal Experiment Station. In a note to the president Mr. Shorey said his sole reason for the step was that the new position had a much better future than the one he now held. He also mentioned that he had not had a vacation for four years and four months, and asked if he might not have leave of absence the last two weeks of the month.

Dr. Cooper remarked that in Mr. Shorey the Board was losing a very valuable man, but that he could not be blamed for taking a Federal position, which was permanent through his having passed the civil service examination therefor.

Mr. Shorey's resignation was accepted with a vote expressing regret for the loss of his valuable services. His request to make a vacation of the last two weeks was cordially granted.

#### APPLICANT ON HAND.

An application was read from Gilbert N. Batchelder, chemist of the Kohala Sugar Co., for the position of Food Commissioner. He stated that after four years in Brown University he received the degree of Bachelor of Science. Afterward he spent one year in experimental work at Columbia University, followed by a year with the Montreal city analyst, M. L. Hersey, when he went into the employ of the American Beet Sugar Co.

#### HILLO REFORMS.

Dr. Pratt read a report of his latest visit to Hilo, concluding with nine recommendations based on his inquiries into a corresponding number of matters. The report was accepted and the recommendations taken up in their order. It was decided:

1. That the government physician at Hilo be sent a copy of Dr. Pratt's recommendations for making the Serrao market sanitary, with instructions to have them carried out.
2. That the president see the Superintendent of Public Works about necessary repairs to the hospital.
3. That the pest house be furnished so as to accommodate four patients.
4. That the resignation of Veteri-

narian Jones be requested.

5. That the walling in of the ditch through the Asiatic quarters be referred to the Superintendent of Public Works for abatement of the nuisance.

These decisions covered the other matters so far as immediate action was necessary.

#### MALULANI HOSPITAL.

Certain rules prepared by the trustees of the Malulani hospital, Wailuku, referred to the medical members of the Board with power to amend the rules: Dr. Cooper objected to the omission of Dr. Armitage from the list of visiting physicians. Mr. Winston objected to the exclusion of patients suffering from delirium tremens.

#### ALULI EXPOUNDS LAW.

A legal opinion in regard to cemeteries, prepared by Noah T. Aluli of the Attorney General's office, was read. It quotes the laws relating to the Board of Health and the Board's regulations in reference to cemeteries.

Answering the first question, the author of the opinion says the Board can establish rules regulating the burial of dead bodies.

"Yes, it has very broad powers," he writes, "but should be used with respect to private rights."

As to whether the law of common nuisance may be invoked, Mr. Aluli says:

"Is it not endangering to personal safety or health? Is it not offensive, annoying or vexatious, and plainly hurtful to the public? Is it not an outrage against common decency? Is it not in direct violation of good morals, to expose coffins and the dead, causing bad odor and also running chances of spreading microbes of contagious diseases? There can be but one answer to the above queries. Certainly."

Mr. Aluli quotes authorities upon which he comments thus:

"The above cases and authorities are not directly in point with the one under consideration and, in summing up, due consideration should be paid to the lawfulness of the deed or act and the authority duly given to the party by the Board of Health."

"A party received permission from the Board of Health to bury a dead person at the Kawaiahaeo cemetery where it is already full. Under such an authority the party in digging the hole and without the least idea of molesting the dead, exposes and breaks open coffins, causing a stench, or whilst so digging, happens, as the case might be, to strike dirt that might be infected with microbes of the worst kind of a plague, if it should so happen that a person inflicted with plague was buried there."

"Is the party guilty of a misdemeanor because of digging the hole? Surely not. Is the party guilty of common nuisance because he exposed coffins and decomposed bodies? Surely not, the party having received the authority to dig the hole from the Board of Health. Will the party be guilty if it resulted in spreading of the microbes of the most horrible disease? No jury in the country would convict the party under such circumstances. To the second question—Ans. Under the circumstances, it is not a common nuisance; but good results might follow if arrests are made."

"It must be admitted in this matter, that in the performance of Christian duty, lawful in all respects, great harm might result. How are then the evils that might happen as above mentioned be dealt with? The Board of Health acting judiciously under and within the above-mentioned sections can no doubt make means and ways of stopping the burying of the dead in cemeteries where it is already crowded."

#### PROPOSED NEW CEMETERY.

A. L. Perry wrote to Dr. Cooper as follows:

"I hereby request that a permit be granted to me to open a cemetery at Kailhi, at the upper portion of Kailuan tract; a place I believe was approved by Mr. Tracy, as an officer of the Board of Health, as a suitable place for a cemetery."

Mr. Tracy disavowed having given the advice attributed to him, and the matter was referred to Dr. Mays, Mr. Robinson and the president as a committee.

#### PESTILENCE IN ORIENT.

Dr. L. E. Cofer, chief quarantine officer, reported the health conditions in the Orient as follows:

- Yokohama, two weeks to August 25—Plague cases 1, deaths 1.
- Kobe, two weeks to August 22—Cholera cases 11, deaths 7.
- Nagasaki to August 20—Clean.
- Shanghai, two weeks to August 18—Cholera cases 0, deaths 1; smallpox cases 0, deaths 3.
- Hongkong two weeks to August 14—Plague cases 21, deaths 16.

#### VARIOUS REPORTS.

Reports of the food commissioner, the city sanitary officer, the sanitary inspectors of Honolulu and Hilo, and the assistant inspector of plumbing, etc., were read and filed.